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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jayshree Bharatia et al.

Serial No.: 10/575,999

Filed: April 17, 2006

For: METHOD FOR OBTAINING LOCATION INFORMATION FOR
EMERGENCY SERVICES IN WIRELESS MULTIMEDIA
NETWORKS

Group No.: 2617

Examiner: Munjalkumar C. Patel

Confirmation No.: 9376

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Commissioner for Patents
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Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The Applicants respectfully request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. This review is requested for the reasons stated in the arguments below, demonstrating the clear legal and factual deficiency of the rejections of some or all of the claims.

Claims 1-6, 8-15 and 18 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Application Publication No. 2002/0042277 to Steven W. Smith ("Smith") in view of U.S. Patent No. 7,286,520 to Takeda et al. ("Takeda"). The Applicants respectfully traverse these rejections for the reasons set forth below.

Claim 1 recites: (1) receiving a first request message from a multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE), and (2) receiving a location response in response to communicating the location request, the location response comprising location information of the UE.

The final Office Action of January 8, 2009 appears to argue that *Smith's* information request 85 from the company representative 81 (or the SIP server 73) reads on receiving a first request message from a multimedia server. As a result, either the company representative 81 or the SIP server 73 must read on the Applicants' multimedia server. The Applicants respectfully assert that the company representative 81 can not be deemed to be a multimedia server.

Claim 1 recites "receiving a first request message from a multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE)." Figure 6 of the *Smith* reference does not disclose or describe that the company representative 81 issues a request message in response to the company representative 81 receiving an emergency request message from user equipment (UE). Arguably, the SIP server 73 may appear to meet the amended language because the company representative 81 may be construed as "user equipment", but Applicants respectfully submit that the information request 85 from the company representative 81 to the server 73 is not "an emergency request message" as that term is used and described in Applicants' specification.

The final Office Action concedes that ". . . Smith fails to disclose receiving a first request message from a multimedia server (*Smith*: Fig 6: 85 & paragraph 0045) in response to the multimedia server receiving an emergency request message from user equipment (UE)." (January 8, 2009 Office Action, Page 3, Lines 10-12). The final Office Action further suggests that

this deficiency could be overcome by the *Takeda* reference – “In addition, Takeda discloses receiving a first request message from the multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE).” (January 8, 2009 Office Action, Page 3, Lines 18-21). The Applicants respectfully traverse the assertion that the *Takeda* reference supplies and overcomes the deficiencies of the *Smith* reference. Nowhere does the *Takeda* reference disclose the concept of “receiving a first request message from the multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE).”

The final Office Action refers to Figure 20 of the *Takeda* reference to support its contention. Figure 20 illustrates a conventional sending of a SIP request message (201A) from a mobile node (MN) 30x to a SIP server 20. Figure 20 also illustrates a conventional sending of a SIP response message from the SIP server 20 to the mobile node (MN) 30x. In essence, the Office Action is citing *Takeda*’s description of conventional messaging between nodes in a SIP process as meeting the claimed element. *Takeda* shows nothing more, and do not describe emergency messages in a location determining process. Thus, the cited portions of the *Takeda* reference do not disclose receiving a first request message from a multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE). The Applicants respectfully submit that it is a mischaracterization of the teaching of the *Takeda* reference to assert that the *Takeda* reference teaches or suggests the concept of receiving an emergency request message from user equipment (UE) when, in fact, the cited portions merely describe conventional messaging communications between nodes in a SIP process.

The final Office Action also suggests that it would have been obvious to combine the *Takeda* reference with the *Smith* reference. (January 8, 2009 Office Action, Page 3, Line 21 to Page 4, Line

5). Applicants disagree. The supposed motivation for combining the two references is “for the purpose of shortened transfer delay time of data packets on a mobile IP communication network and reduced fluctuation in transfer time (Takeda: Column 4 lines [5-10]).” (January 8, 2009 Office Action, Page 4, Lines 3-5). The Applicants respectfully point out that this supposed motivation is legally insufficient because it has virtually nothing to do with the Applicants’ claimed invention. Furthermore, even if it were proper to combine the *Takeda* reference with the *Smith* reference (which the Applicants do not agree is proper), the combination of the two references would not teach, suggest or even hint at the Applicants’ invention because both the *Smith* reference and the *Takeda* reference are silent with respect to the concept of receiving an emergency request message from user equipment (UE). Both the *Smith* reference and the *Takeda* reference are also silent with respect to the concept of taking actions in response to receiving an emergency request message from user equipment (UE).

Claims 2-6 and Claim 8 are dependent on Claim 1 and also contain the novel and unique elements of Claim 1. Therefore, Claims 2-6 and Claim 8 are also patentable in view of the cited prior art. Independent Claims 9 and 12 (and their dependent claims) also contain the novel and unique elements of Claim 1. Therefore, Claims 9 and 12 (and their dependent claims) are also patentable in view of the cited prior art.

For at least these reasons, Claims 1-6, 8-15 and 18 are patentable over the cited references and the rejections have been overcome. The Applicants respectfully request the withdrawal of the § 103(a) obviousness rejections with respect to Claims 1-6, 8-15 and 18.

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The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Nortel Networks Deposit Account No. 14-1315.

Respectfully submitted,

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